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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,376	12/11/2003	Per Martin Claesson	C4276(C)	2311

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EXAMINER

ASINOVSKY, OLGA

ART UNIT PAPER NUMBER

1711

DATE MAILED: 05/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/735,376	<b>Applicant(s)</b> CLAESSON ET AL.	
	<b>Examiner</b> Olga Asinovsky	<b>Art Unit</b> 1711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 March 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3 and 7-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 7-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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### DETAILED ACTION

The cancellation of claims 4-6 and 21 is noted.

#### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3 and 10-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Nick et al U.S. Patent 3,985,700.

The rejection is set forth at pages 2-3 of the office action mailed on 12/16/2004 and it is incorporated here by reference.

3. Applicant's arguments filed 03/21/2005 have been fully considered but they are not persuasive.

4. Applicants amend claim 1 by including the definition for hydrophilic uncharged side chains in (b), "which are polyethylene oxide chains comprising at least 10 polyethylene oxide units."

5. The argument is that upon this amendment the rejection over Nicks is considered to be moot.

6. Nicks does disclose polyethylene glycol being present such that the polyethylene glycol grafted on to a backbone of polymethylmethacrylate –co-dimethylaminoethyl methacrylate is in the ratios 50:47.5:2.5, or the monomer weight ratios of 25:50:25, col.

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11, lines 59-62 and col. 12, lines 39-43 and 54. The chain-like components include polyethylene oxide condensates, either hydroxyl-terminated polymer, polymers containing dimethylaminoethyl methacrylates. If desired, a change in pH of the solution can be controlled by ammonium, col. 7, lines 49-61. Thus, reference discloses a polymethylmethacrylate backbone polymer and one or more side chains wherein at least one chain is a polyethylene glycol. The claimed "at least 10 polyethylene oxide units" being present in a hydrophilic uncharged chain is inherent in the reworking examples 7-9 in Nicks invention.

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-3, 7-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kud et al U.S. Patent 4,846,994 in view of Kothrade et al U.S. Patent 6,075,107.

The rejection is set forth at pages 3-4 of the office action mailed on 12/16/2004 and it is incorporated here by references.

The argument is that both references disclose different utilities, different problems addressed by the two patents. Kud does not disclose a graft copolymer having a number average molecular weight of at least 10,000 comprising cationically chargeable

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or charged side chains containing a tertiary or quaternary nitrogen atom. The polymer in Kothrade is not graft that could provide a soil release effect.

First, Kud discloses a polyethylene oxide grafted on a vinyl ester. A polyalkylene oxide has a number average molecular weight of from 1,000 to 50,000, col. 1, line 57 and col. 2, lines 28-29. A graft copolymer having number average molecular weight 10,000 could be obtained in Kud invention. The graft polymers have a K value of from 5 to 200, col. 3, line 47. Thus, the broad acid value can be controlled to the desired K value. Also, the free OH groups of the polyalkylene oxides can be aminated and/or reacted with isocyanates, col. 4, lines 24-27. The examiner agrees that dimethylaminoethyl acrylate is used in the comparative examples, col. 7, lines 20-33. However, amino-group containing moiety would be expected in Kud invention in light of the aminating the OH terminal groups in the polyethylene oxides.

Second, the argument that two references have different issues is not persuasive. Both references disclose compositions. The present claims are not limited to the process condition or/and a graft copolymer or a laundry detergent composition. Any addition copolymerizable monomer(s) and/or additives to exchange the solubility and/or pH of the obtained polymer composition would be expected in both references compositions, because it is depending on the intended use of said composition. Any comonomers (C) in Kothrade including diethylaminoethyl methacrylate, col. 2, line 64, are

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copolymerizable monomers. A pH control agent such as aqueous ammonia, col. 2, line 50, can be present.

It would have been obvious to one of ordinary skill in the art to modify a detergent composition in Kud's invention by employing an addition comonomer such as diethylaminoethyl methacrylate and/or aqueous ammonia as disclosed by Kothrade for the purposes to control-regulate the pH value of the resulting detergent, and because any addition additive would be expected for the formulation of said detergent composition in Kud, and, thereby, obtain the claimed invention.

### ***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olga Asinovsky whose telephone number is 571-272-1066. The examiner can normally be reached on 9:00 to 5:30 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on 571-272-1078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Olga Asinovsky  
Examiner  
Art Unit 1711

O.A.

May 23, 2005

  
James J. Seidleck  
Supervisory Patent Examiner  
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